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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,585	01/23/2002	Mark Webster Newman	PARC-DA1084	2571
22835	7590	05/24/2006	EXAMINER	
A. RICHARD PARK, REG. NO. 41241 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95616			VU, TRISHA U	
			ART UNIT	PAPER NUMBER
			2112	

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,585

Applicant(s)

NEWMAN ET AL.

Examiner

Trisha Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Notice to Applicant(s)

This application has been examined. Claims 1-28 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-28 are rejected under 35 U.S.C. § 102(e) as being anticipated by Provino et al. patent number 6,535,929 referred hereinafter "Provino".

As for claims 1, 11 and 20, Provino teaches a system and a method comprising: a plurality of devices (figure 1, 40, 42, 46, 34), wherein devices within the plurality of devices communicate with incompatible protocols (different addressing modes) (see abstract and col. 3 lines 53-67); a first device in the plurality of devices having a universal contextual interface (see column 3 line 63 to column 4 line 4 and column 5 lines 23-34, wherein the universal communication comprising interface module 78), the universal contextual interface associated with at least one instruction for transferring contextual data (see column 5 lines 23-67, wherein instructions are REGISTER, Deregister, SEND, RECEIVE etc.); and a second device in the plurality of devices that invokes the universal contextual interface of the first device to execute the at least

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one instruction to transfer the contextual data between the first device and at least one of the plurality of devices (see figure 1, column 5 lines 23-67 and column 4 lines 18-37, wherein other devices such as 42, 46, etc. invokes universal communication and instructions such as REGISTER etc. for transfer to other devices such as 42, 46, 34, thus figure 1 discloses plurality of computers 20 are connecting to each other via LAN 22 and the LAN 22 is connecting to other computer 26 via the Internet or WAN), the plurality of devices having no prior knowledge of each other (see abstract, wherein the devices such as 40, 42, 46, 34 allow two applications of dissimilar addressing mode to communicate with one another without a priori knowledge of each other).

As for claims 2, 12 and 21, Provino teaches wherein the at least one of the plurality of devices comprises the second device (see figure 1, 42, 46, 34 etc.).

As for claims 3, 13 and 22, Provino teaches wherein the first device sends a context object to the second device to be used by the second device to transfer the contextual data (see figure 1 and column 4 lines 18-37).

As for claim 4, Provino teaches wherein the second device receives a context object from the first device to be used by the at least one of the plurality of devices for receiving contextual data transmitted from the first device (see figure 1 and column 4 lines 18-37).

As for claims 5, 14 and 23, Provino teaches wherein the at least one of the plurality of devices uses the contextual data as a criteria to authorize the first device or the second device to access instructions, data or operations associated with the at least one of the plurality of devices (see column 5 lines 23-67).

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As for claims 6, 15 and 24, Provino teaches wherein the universal contextual interface or a context object have source-specific, object-oriented mobile code that can be understood and performed by the at least one of the plurality of devices to receive contextual data (see column 10-12 Appendix).

As for claims 7, 16 and 25, Provino teaches wherein the plurality of devices comprise at least one device, at least one software application or at least one file (see column 3 lines 36-48).

As for claims 8, 17 and 26, Provino teaches wherein the first device further comprises a historical database having at least one record of data provided by the second device during invocation of the universal contextual interface (see figure 5, steps 210, 208, 214, wherein step 210 indicates history of application whether the application has previously registered).

As for claims 9, 18 and 27, Provino teaches wherein the second device invokes a universal notification interface to register the at least one of the plurality of devices to receive an event notification each time the contextual data changes (see column 5 lines 35-45).

As for claims 10, 19 and 28, Provino teaches wherein the contextual data comprises executable computer language instructions, or a type, operating status, identity, location, administrative domain or environment information of at least one of the plurality of devices (see column 6 lines 19-46).

Response to Arguments

Applicant's arguments filed 03/10/2006 have been fully considered but they are not persuasive.

In response to the applicant's arguments that "the present invention provides techniques for communicating between devices with **incompatible communication protocols**, such as devices using disparate operating systems (page 8 of the Remarks), first it is noted that **different addressing modes** taught by Provino clearly anticipates what is claimed **incompatible communication protocols**. Applicant also admitted in the Remarks that "Provino teaches sharing data among applications, which use **different addressing modes** on systems that execute compatible operating systems, such as Microsoft Windows® operating system (page 8). Second, it is brought to Applicant's attention that the features upon which applicant relies (i.e., different addressing modes being **disparate operating systems**, page 8 of the Remarks) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trisha Vu whose telephone number is 571-272-3643. The examiner can normally be reached on Mon-Thur and alternate Fri 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Trisha Vu

Examiner

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REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
5/22/06